

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VICTOR DARNELL THOMAS, :
Plaintiff, :
v. : Case No. 3:20-cv-181-SLH-KAP
R.N. MARTYNUSKA, Medical Contractor, :
F.C.I. Loretto, *et al.*, :
Defendants :
:

Memorandum Order

In April 2023 I ordered that the defendants who were left after the Court dismissed portions of the Third Amended Complaint be served at the direction of plaintiff Thomas. Thomas supplied service copies and directions for service that were sent to the Marshal in May 2023. The return of service filed at ECF no. 35 makes it appear that the only service copies and directions provided were directed to Robinson, Martynuska, and Swindell. In other words, Thomas failed to provide directions for service that satisfy Fed.R.Civ.P. 4(i)(3), because he has not provided copies or directions for service on the United States under Fed.R.Civ.P. 4(i)(1) as required whenever an employee of the United States is sued in an individual capacity.

Under Fed.R.Civ.P. 4(i)(4)(B), I am required to give plaintiff reasonable time to cure his failure to make service. Plaintiff shall supply copies of his Third Amended Complaint and request summonses for service on the United States. When he does so the Clerk shall issue the summonses and forward them and the Third Amended Complaint to the Marshal for service on the United States at the direction of the plaintiff in accordance with Fed.R.Civ.P. 4(i)(1). Since plaintiff is no longer an inmate he shall pay the balance of the filing fee and service costs or file an updated motion to proceed *in forma pauperis* showing why service costs should be borne by the United States.

DATE: September 25, 2023



Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Victor Darnell Thomas
1853 Dixie Lane
Altoona, PA 16602